

NOTICE OF PROPOSED RULEMAKING

OFFICE OF THE STATE FIRE MARSHAL California Code of Regulations Title -19 Portable Fire Extinguisher Fees

The State Fire Marshal proposes to adopt the proposed regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PUBLIC HEARING

The State Fire Marshal has not scheduled a public hearing on this proposed action. However, The State Fire Marshal will hold a public hearing if a written request is received from any interested party or their authorized representative no later than 15 days before the end of the 45-day comment period ending on August 11, 2008.

If a written request for a hearing is received the State Fire Marshal will hold a public hearing as scheduled below:

Date: Wednesday, August 13, 2008

**Resources Building
First Floor Auditorium
1416 Ninth Street
Sacramento, CA 95814
From 9:00 am to 1:00 pm**

The public hearing facilities are accessible to persons with mobility impairments. If any special assistance is required (i.e. interpreter), please notify the contact person(s) named in this notice at least 15 days prior to the public hearing.

At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest below. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

The State Fire Marshal will accept written comments regarding this regulatory action for 45 days beginning June 27, 2008 until 5:00pm on August 11, 2008

Send mailed comments to:

**OFFICE OF THE STATE FIRE MARSHAL
Attention: Diane Arend
P.O. Box 944246
Sacramento, CA 94244-2460**

Or by e-mail to
PFE_Fee_Increase@fire.ca.gov

Or you may fax your comments to:
Attention: Diane Arend
(916) 445-8459

AUTHORITY & REFERENCE

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section: 13160 with reference to 13160 - 13169, Health and Safety Code.

INFORMATIVE DIGEST - POLICY STATEMENT OVERVIEW

The State Fire Marshal proposing to increase and establish the following Fees

1. Increase the fee for original and renewal of Certificates of Registration from \$55 to \$85.
2. Increase the fee for limited licenses from \$125 to \$325.
3. Increase the fee for change of location or any license revision requiring physical inspection from \$125 to \$325.
4. Establish an \$85 fee for testing existing Certificate of Registration holders.
5. Establish a \$200 re-inspection fee.
6. Establish a \$25 fee for replacement of a Certificate of Registration or License

Current Law requires the State Fire Marshal to administer the regulations and standards for the protection and preservation of life and property to control the servicing, including charging, and testing, of all portable fire extinguishers and for controlling the sale and marketing of all such devices with respect to conformance with standards of their use, capacity, and effectiveness. In addition, the State Fire Marshal is required to license companies and certify individuals who service and test fire extinguishers.

The State Fire Marshal utilized the Fire Extinguisher Advisory Committee to make recommendations regarding revising these regulations.

Proposed Title 19 Modified Sections

Section 560 (d) (1) is being proposed to be amended to increase fee for a Certificate of Registration

Sections 560 (d) (3) is being proposed to be amended to increase the fee for a Limited license.

Section 560 (f) is being proposed to be amended to increase the fee for a change of location or any license revision requiring a physical inspection.

Section 560 (g) is being proposed to be added to include a fee for Certificate of Registration renewal testing.

Section 560 (h) is being proposed to be added to include a fee for second and each subsequent re-inspection.

Section 560 (i) is being proposed to be added to include a fee for the replacement of a Certificate of Registration or License.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any other State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Section 17561: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**
6. Significant adverse economic effect directly effecting business, including the ability of California businesses to compete with businesses in other States: **None**
7. Cost impact on private persons or directly affected businesses: The State Fire Marshal is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations **will not**:

- a) create or eliminate jobs within California;
- b) create new businesses or eliminate existing businesses within California;
or
- c) affect the expansion of businesses currently doing business within California.

8. Significant effect on housing costs: **None**

SMALL BUSINESS EFFECTS

The State Fire Marshal has made the initial determination that the amendments to these regulations will have no substantial effect to small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. The proposed fees cover the cost of administering the Fire Extinguisher program, which includes; inspections,

investigations, testing and certification of individuals, and the licensing of companies who service and test fire extinguishers. Limited license fee increases cover the cost of on-site inspections which are necessary to insure the company has all the equipment needed to properly service fire extinguishers. The re-inspection fees cover the cost of re-inspections, which are necessitated when fire extinguisher companies are not adequately prepared for inspections.

CONSIDERATION OF ALTERNATIVES

The State Fire Marshal must determine that no reasonable alternative considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based may be directed to:

Office of the State Fire Marshal
Diane Arend, Senior Deputy State Fire Marshal
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 324-9592
Fax: (916) 445-8459
E-mail: diane.arend@fire.ca.gov

Alternate Contact:

James Parsegian, Supervising DSFM
P.O. Box 944246
Sacramento, California 94244-2460
Telephone: (916) 445-8415
Fax: (916) 445-8458
E-mail: james.parsegian@fire.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Office of the State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, shown above. As of this date, this notice is published in the Notice Register. The State Fire Marshal rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons for the proposed action. The full text of the regulations, along with the initial statement of reasons upon which the changes are based is available from the contact person as shown. Copies may be obtained by contacting Diane Arend at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the 45-day comment period, the State Fire Marshal may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text – with changes indicated – shall be made available to the public for at least 15 days before the State Fire Marshal adopts (amends or repeals) the regulations as revised. Requests for copies of any modified regulations should be sent to Diane Arend at the address indicated above. The State Fire Marshal will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Diane Arend at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of proposed regulations, highlighted in underline and strikeout, can be accessed through our web-site at <http://osfm.fire.ca.gov>.